



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/371,687	08/10/1999	ERIN DRAKELEY O'BRIAN	08575/048001	9542

7590 04/11/2002

ALAN D SMITH  
FISH & RICHARDSON PC  
225 FRANKLIN STREET  
BOSTON, MA 021102804

EXAMINER

PWU, JEFFREY C

ART UNIT

PAPER NUMBER

2164

DATE MAILED: 04/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/371,687

Applicant(s)

DRAKEKEY ET AL.

Examiner

Jeffrey Pwu

Art Unit

2164

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-39 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other:

Art Unit: 2164

### DETAILED ACTION

1. This action is responsive to the application, filed 1999-08-10.
2. The disposition of claims is: claims 1-39 are pending as filed. Claims 1, 9, and 13, 21, 25, and 33 are independent.
3. The group art unit of the Examiner handling your case has changed. The new art unit is **2164**. Please use current art unit on all correspondence to help us route your case in a timely fashion.

#### *Title*

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Art Unit: 2164

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 1 is vague and indefinite because it does not clearly point out what is being *interrogated* from the text file in order for one party to authorize another party to access an unauthorized access.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-39 are rejected under 35 U.S.C. 102(b) as being anticipated by *Dustan* et al. (US 5,884,312).

Art Unit: 2164

**Dustan** et al. teaches:

(Claim 1) A computer-implemented method for providing access to an account of a second party (fig.3, 16, "FROM IVR SYSTEM CLIENT"), comprising: inputting identification information for the account of the second party; receiving account information for the account of the second party based on the identification information; and accessing the account of the second party based on the account information.

(Claim 2) The method of claim 1, wherein the account information defines a right of a first party to access computer programs associated with the account (col.1, line 15-col.4, line 37).

(Claim 3) The method of claim 1, further comprising storing the account information in a text file; wherein a first party accesses the account by: requesting access to the account; receiving an interrogation into the text file from software that controls access to the account; and receiving access to the account if the software determines, based on the interrogation, that the first party is entitled to access the account (col.3, line 10-col.4, line 35).

(Claim 4) The method of claim 3, wherein: a first party inputs the identification information on a Web page accessed by a Web browser; and the text file comprises an Internet cookie (10; col.8, line 5-col.21 line 45).

Art Unit: 2164

(Claim 5) The method of claim 1, further comprising: inputting information identifying a first party; receiving access information that corresponds to the information identifying the first party, the access information defining a right of the first party to access a program which includes the account of the second party; and accessing the program based on the access information; wherein inputting, receiving the account information, and accessing are performed from the program (col.3, line 10-col.4, line 35).

(Claim 6) The method of claim 5, wherein access to the program by the first party is governed by the access information (fig.3, 16, "FROM IVR SYSTEM CLIENT").

(Claim 7) The method of claim 1, further comprising displaying information from the account (diagrams of fig.3 & 8).

(Claim 8) The method of claim 1, further comprising changing a parameter of the account (204).

(Claim 9) A method of providing a first party with access to an account of a second party, comprising: receiving identification information for the account of the second party; verifying that the first party is entitled to access the account of the second party based on the identification information; and providing account information to the first party for use in accessing the account of the second party (fig.3, "FROM IVR SYSTEM CLIENT", "FROM IVR SYSTEM CLIENT").

Art Unit: 2164

(Claim 10) The method of claim 9, further comprising: receiving a request from the first party to access the account of the second party; obtaining the account information from the first party; and determining whether the first party is entitled to access the account based on the account information (col.5, line 5-col.7, line 15).

(Claim 11) The method of claim 9, further comprising: receiving information identifying the first party; verifying that the first party is entitled to access a program that includes the account of the second party based on the identification information; and providing, to the first party, access information for use in accessing the program (col.7, line 45-col.9, line 45).

(Claim 12) The method of claim 11, further comprising: receiving a request from the first party to access the program that includes the account of the second party; obtaining the access information from the first party; and determining whether the first party is entitled to access the program based on the access information (method 150).

(Claim 13) A computer program stored on a computer readable medium for providing access to an account of a second party, the computer program comprising instructions that cause a computer to: input identification information for the account of the second party; receive account information for the account of the second party based on the identification information; and access the account of the second party based on the account information (col.3, line 10-col.4, line 35).

Art Unit: 2164

(Claim 14) The computer program of claim 13, wherein the account information defines a right of a first party to access computer programs associated with the account(234).

(Claim 15) The computer program of claim 13, further comprising instructions that cause the computer to: store the account information in a text file; request access to the account; receive an interrogation into the text file from software that controls access to the account; and receive access to the account if the software determines, based on the interrogation, that a first party requesting access is entitled to access the account (236).

(Claim 16) The computer program of claim 15, wherein: a first party inputs the identification information on a Web page accessed by a Web browser; and the text file comprises an Internet cookie (col.8, line 5-col.21 line 45).

(Claim 17) The computer program of claim 13, further comprising instructions that cause the computer to: input information identifying a first party; receive access information that corresponds to the information identifying the first party, the access information defining a right of the first party to access a second program which includes the account of the second party; and access the second program based on the access information; wherein inputting, receiving the account information, and accessing are executed from the second program (col.5, line 5-col.7, line 15).



Art Unit: 2164

18. The computer program of claim 17, wherein access to the second program by the first party is governed by the access information (fig.3, 16, "FROM IVR SYSTEM CLIENT").

(Claim 19) The computer program of claim 13, further comprising instructions to cause the computer to display information from the account (fig.8).

(Claim 20) The computer program of claim 13, further comprising instructions to cause the computer to change a parameter of the account (204)..

(Claim 21) A computer program stored on a computer readable medium for providing a first party with access to an account of a second party, the computer program comprising instructions that cause a computer to: receive identification information for the account of the second party; verify that the first party is entitled to access the account of the second party based on the identification information; and provide account information to the first party for use in accessing the account of the second party (col.5, line 5-col.7, line 15).

(Claim 22) The computer program of claim 21, further comprising instructions that cause the computer to: receive a request from the first party to access the account of the second party; obtain the account information from the first party; and determine whether the first party is entitled to access the account based on the account information (col.5, line 5-col.7, line 15).

Art Unit: 2164

(Claim 23) The computer program of claim 21, further comprising instructions that cause the computer to: receive information identifying the first party; verify that the first party is entitled to access a second program that includes the account of the second party based on the identification information; and provide, to the first party, access information for use in accessing the second program (col.5, line 5-col.7, line 45).

(Claim 24) The computer program of claim 23, further comprising instructions that cause the computer to: receive a request from the first party to access the second program that includes the account of the second party; obtain the access information from the first party; and determine whether the first party is entitled to access the second program based on the access information (col.5, line 5-col.7, line 45).

(Claim 25) An apparatus for providing access to an account of a second party, comprising: a memory which stores computer instructions; and a processor which executes the instructions to (i) input identification information for the account of the second party, (ii) receive account information for the account of the second party based on the identification information, and (iii) access the account of the second party based on the account information (col.5, line 5-col.7, line 15).

(Claim 26) The apparatus of claim 25, wherein the account information defines a right of a first party to access computer programs associated with the account (16).

Art Unit: 2164

(Claim 27) The apparatus of claim 25, wherein the processor executes instructions to (I) store the account information in a text file, (ii) request access to the account, (iii) receive an interrogation into the text file from software that controls access to the account, and (iv) receive access to the account if the software determines, based on the interrogation, that a first party requesting access is entitled to access the account (16, 68).

(Claim 28) The apparatus of claim 27, wherein: a first party inputs the identification information on a Web page accessed by a Web browser; and the text file comprises an Internet cookie (col.20, line 17-col.21, line 45).

(Claim 29) The apparatus of claim 25, wherein: the processor executes instructions to (I) input information identifying a first party, (ii) receive access information that corresponds to the information identifying the first party, the access information defining a right of the first party to access a program which includes the account of the second party, and (iii) access the program based on the access information; and inputting, receiving the account information, and accessing are performed from the program (col.5, line 5-col.7, line 45; also see fig.3).

(Claim 30) The apparatus of claim 29, wherein access to the program by the first party is governed by the access information (col.8, line 5-col.21 line 45)..

Art Unit: 2164

(Claim 31) The apparatus of claim 25, wherein the processor executes instructions to display information from the account (22).

(Claim 32) The apparatus of claim 25, further comprising changing a parameter of the account (col.8, line 5-col.21 line 45).

(Claim 33) An apparatus for providing a first party with access to an account of a second party, comprising: a memory which stores computer instructions; and a processor which executes the instructions to (I) receive identification information for the account of the second party, (ii) verify that the first party is entitled to access the account of the second party based on the identification information, and (iii) provide account information to the first party for use in accessing the account of the second party (col.10, line 30- col.13, line 40).

(Claim 34) The apparatus of claim 33, wherein the processor executes instructions to (I) receive a request from the first party to access the account of the second party, (ii) obtain the account information from the first party, and (iii) determine whether the first party is entitled to access the account based on the account information (col.10, line 30-col.13, line 40).

(Claim 35) The apparatus of claim 33, wherein the processor executes instructions to (I) receive information identifying the first party, (ii) verify that the first party is entitled to access a program that includes the account of the second party based on the

Art Unit: 2164

identification information, and (iii) provide, to the first party, access information for use in accessing the program (col.10, line 30- col.13, line 40).

(Claim 36) The apparatus of claim 35, wherein the processor executes instructions to (I) receive a request from the first party to access the program that includes the account of the second party, (ii) obtain the access information from the first party, and (iii) determine whether the first party is entitled to access the program based on the access information (col.10, line 30- col.13, line 40).

(Claim 37) The method of claim 1, wherein the account of the second party is accessed over an intranet running HTTP (col.8, line 5-col.21 line 45).

(Claim 38) The computer program of claim 13, wherein the account of the second party is accessed over an intranet running HTTP (10).

(Claim 39) The apparatus of claim 25, wherein the account of the second party is accessed over an intranet running HTTP (10).

***Prior art Made of Record Not Explicitly employed***

•US 5,696,824 discloses a system for detecting unauthorized account access.

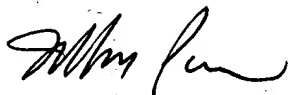
Art Unit: 2164

•US 6,038,597 describes a method and apparatus for providing accessing data at an internet site.

•US 6,047,268 discloses a method and apparatus for authenticating transactions accomplished over a data network utilizes a "cookie".

⇒ Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Jeffrey Pwu whose telephone number is (703) 308-7835

Jeffrey Pwu



7 April 2002